

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

TYICE ALEXANDER PHILLIPS

MJ-10-567

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 27, 2010, in Ramsey County, in the State and District of Minnesota, defendant, a previously convicted felon, aided and abetted by others, knowingly possessed in and affecting interstate commerce, a Stoecker semi-automatic .40 caliber pistol, which he used and possessed in relation to the robbery of the White Bear Lake Bar, aided and abetted by others, thereby obstructing or delaying the movement of any article or commodity in commerce, and constituting an attempt to obstruct or delay the movement of any article or commodity in commerce,

in violation of Title 18 United States Code, Sections 922(g)(1), 924(c), 1951(a), and 2.

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

12/29/10  
The Honorable Janie S. Mayeron  
UNITED STATES MAGISTRATE JUDGE

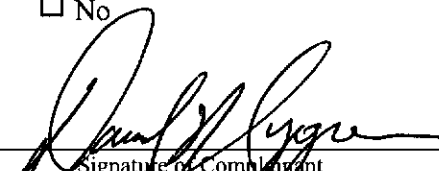
Name &amp; Title of Judicial Officer

at

St. Paul, MN

City and State

Signature of Judicial Officer

  
Signature of Complainant  
DAVID NYGREN  
ATF

SCANNED

DEC 29 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA     )  
                              ) ss.         **AFFIDAVIT OF DAVID NYGREN**  
COUNTY OF RAMSEY        )

I, David Nygren, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and I have been so employed since January 1991. I am currently assigned to the ATF Saint Paul Field Division, Saint Paul I Field Office. My duties and responsibilities include conducting criminal investigations of individuals and organizations who may have committed violations of the Federal arson, explosives, or firearms laws.

2. This Affidavit is submitted in support of a Complaint establishing probable cause to believe that TYICE ALEXANDER PHILLIPS, along with two other unidentified individuals, committed the following federal violations:

- a. robbery of the White Bear Bar (hereinafter "Bar") on November 27, 2010, in violation of Title 18, United States Code, Sections 1951(a) and 2;
- b. use and possession of a firearm in relation to the robbery of the Bar on November 27, 2010, in violation of Title 18, United States Code, Sections 924(c) and 2; and
- c. possession of a firearm by a convicted felon, in violation of Title 18, United States Code, Sections 922(g)(1) and 2.

The facts set forth in this Affidavit are based on my review of reports and surveillance video, my personal investigation, and discussions I have had with other law enforcement personnel. The facts set forth herein contain information sufficient to support probable cause. This Affidavit is not intended to convey all of the facts learned during this investigation.

3. On November 27, 2010, three masked individuals robbed the Bar located at 135 4<sup>th</sup> Street, White Bear Lake, Ramsey County, Minnesota. Two of the robbers were armed with handguns. Surveillance video obtained from security cameras positioned both outside and inside of the Bar show three masked individuals entering the Bar shortly before closing; there were more than 50 patrons inside the Bar. The surveillance video captured the robbery from the time the suspects forced their way into the Bar, up until the time they fled.

4. According to surveillance video and statements obtained from the victims and witnesses at the Bar during the robbery, the three armed robbers were all black males, dressed in dark clothing. All three sought to conceal their identities by wearing stocking caps or ski masks pulled down over and around their faces. Investigation revealed that PHILLIPS was one of the robbers. Further descriptions of PHILLIPS and the two other suspects are as follows:

TYICE ALEXANDER PHILLIPS: The surveillance videos show a black male, over 6 feet in height, heavy-set, who at the time of the robbery was dressed in a black, zip-up hooded sweatshirt, a white colored crew neck type shirt underneath, dark gloves, black jeans, blue tennis shoes with white colored soles and a black stocking cap/ski mask with small bill above a single eye hole. Investigation revealed that this individual was PHILLIPS. During the robbery, surveillance video shows PHILLIPS brandishing a black, semi-automatic pistol.

SUSPECT #1: An unidentified black male, over 6 feet in height, heavy-set, with facial hair on his upper lip, who at the time of the robbery was wearing a dark colored winter coat, with attached hood, a plaid shirt underneath, blue jeans, tennis shoes, dark brown gloves with a tan "V" shaped symbol across the top of the glove and a multi-colored stocking cap/ski mask. In addition, SUSPECT #2 was observed as being in possession of black, long barreled revolver during the robbery of the Bar.

SUSPECT #2: An unidentified black male, with short black hair, approximately 6 feet in height, thin build, who at the time of the robbery was dressed in a black jacket, blue jeans, tan colored work boots and wearing a gray balaclava type hood with a draw string around the opening of the face. During the robbery, surveillance video shows SUSPECT #2 brandishing a long barrel revolver.

5. As mentioned, on November 27, 2010, at approximately 1:55 a.m., three masked men entered the Bar just before closing. As they entered the Bar, SUSPECT #1, armed with a long-barreled revolver, grabbed a patron who was exiting the Bar, put the revolver to the patron's head, and dragged the patron back inside the Bar.

6. Upon entering the Bar, the robbers yelled for everyone to "get down." The surveillance video shows all three robbers verbally directing and physically pushing the customers around inside the Bar. The surveillance video also shows one robber, later identified as PHILLIPS, pointing his pistol at bar patrons and employees. The surveillance video also shows SUSPECT #1 doing the same. At one point, a patron grabbed the barrel of SUSPECT #1's revolver and a skirmish ensued between SUSPECT #1 and the

patron. During the skirmish, SUSPECT #1's revolver discharged, resulting in another patron receiving a gunshot wound to the right rear leg.

7. Following the gun discharge, chaos ensued in the Bar, and a patron pulled off SUSPECT #2's mask. SUSPECT #2 then fled out of the Bar.

8. In the meantime, PHILLIPS and SUSPECT #1 proceeded to the cash register in the bar area. Video surveillance shows the two armed robbers emptying items, including money, from the cash register. At gunpoint, PHILLIPS and SUSPECT #1 then forced the manager of the Bar to a rear office where the safe was located. SUSPECT #1 stood guard outside the office while PHILLIPS held a gun to the manager's head as she opened the safe and removed several bank bags. PHILLIPS took the bank bags, which contained an undisclosed amount of United States currency.

9. After getting the money from the safe, PHILLIPS and SUSPECT #1 fled the Bar to their get-away car parked across the street. SUSPECT #2 was waiting for them there. A patron of the Bar gave chase on foot and related to law enforcement that the robbers had fled westbound in a black, late model BMW sedan.

10. A police officer with the White Bear Lake Police Department was in the area and encountered a late model BMW sedan matching the description of the get-away car. When the officer activated his emergency lights, the driver of the BMW, believed to be PHILLIPS, turned into the entrance for an apartment complex and drove the BMW into a snowbank; the three occupants all abandoned the car and ran off in separate directions. The officer's dash camera shows an individual whose clothing matches PHILLIPS's exiting the driver's door and running in the direction of a chain link fence. A black Stoeger semi-automatic .40 caliber pistol, model Cougar 8000, bearing serial number T6429-06-A001407, was found along the path from the abandoned BMW to the chain link fence. The recovered Stoeger is consistent with the firearm shown in the surveillance video from the Bar being carried by the individual believed to be PHILLIPS.

11. Police also recovered a second firearm near the abandoned BMW. That firearm was recovered in the snow approximately ten feet from the front right passenger's side door. That gun was a black Ruger six-shot revolver, model Super Blackhawk, bearing serial number 87-68828, with a barrel length of approximately 10 1/2". The recovered Ruger is consistent with the firearm shown in the surveillance video from the Bar being carried by SUSPECT #1. Lying next to the right front bumper of the abandoned BMW, police also recovered the multi-colored stocking cap/ski mask that SUSPECT #1 was wearing during the robbery of the

Bar.

12. At approximately 3:10 a.m., a little over an hour after the BMW drove into the snowbank, law enforcement located PHILLIPS approximately 1 ½ miles away laying down in some snow. PHILLIPS was on commercial business property with posted "No Trespassing" signs. Although the air temperature was below 20 degrees, PHILLIPS was not wearing a coat; he was wearing a torn and ripped, white long-sleeved crew neck cotton t-shirt with blood stained holes. The holes and blood stains were consistent with someone having injured himself scaling a chain link fence. The white shirt is also consistent with the clothing worn by one of the Bar robbers under a black zip-up sweatshirt. At the time of his arrest, PHILLIPS was wearing black jeans and blue tennis shoes, just like one of the robbers in the surveillance video from the Bar. Additionally, the sole of PHILLIPS's shoes matched a shoe print left in the snow outside the Bar, near where the get-away car was parked. In PHILLIPS's front left pants pocket, officers found the following: (a) a sales invoice for a beer delivery from Needham Distributing Company, Inc., to the Bar; (b) cash register receipts from the Bar; and (c) approximately \$975.25 in United States currency. In PHILLIPS's left rear pants pocket, officers found an additional \$520 in United States currency.

13. Law enforcement obtained a search warrant for the abandoned BMW. Inside the BMW, law enforcement found the following:

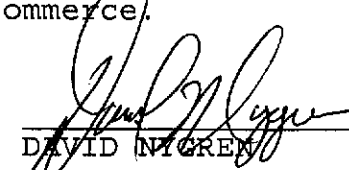
- a cell phone believed to belong to PHILLIPS (the number for the cell phone matched the number PHILLIPS gave his parole agent to contact him);
- photographs, some of which show PHILLIPS, including a photograph of PHILLIPS standing next to a black BMW (it appears to be the same BMW as the abandoned BMW);
- a business card for Cooper Motors in the name of Phillip Smith, believed to be PHILLIPS's father;
- mail addressed to PHILLIPS;
- Job applications in PHILLIPS's name;
- School/Financial Aid applications in PHILLIPS's name;
- four North Star Bank bank bags containing cash register receipts from the Bar;
- a black stocking cap/ski mask with a small bill above a single eye hole, a black zip-up hooded sweatshirt and brown cotton gloves, identical to that worn by PHILLIPS during the robbery of the Bar;
- a gray balaclava-type hood with a draw string around the face opening, identical to that worn by SUSPECT #2 during the robbery of the Bar.

14. Investigators are still trying to determine the owner of the BMW. To date, investigators have learned that the BMW was bought by a woman who listed her cell phone number as the same number PHILLIPS gave to his parole agent to contact him. As mentioned, a cell phone with this number was found in the abandoned BMW.

15. Prior to November 27, 2010, PHILLIPS was a multi-convicted felon who is prohibited from possessing firearms. By way of example only, in 2006 in Ramsey County, PHILLIPS was convicted of Felony Kidnaping, 1<sup>st</sup> Degree Aggravated Robbery, and 1<sup>st</sup> Degree Burglary. These charges all related to a home invasion armed robbery.

16. ATF is in the process of conducting a trace on the Stoeger found near the abandoned BMW. The information stamped on the slide of the Stoeger clearly displays that it was manufactured in Turkey and imported into the United States by Stoeger Industries, Inc., in the State of Maryland. The firearm necessarily traveled in and affected interstate commerce to have been found in Minnesota on November 27, 2010.

17. I interviewed the owner of the Bar. The owner related that beer and liquor items sold at the Bar are brewed, distilled, and bottled outside the State of Minnesota. The owner also indicated that a number of other products sold in the Bar are from outside the State of Minnesota. Consequently, I believe that the robbery of the Bar involved an attempted obstruction or delay in commerce, and an attempted obstruction or delay of the movement of any article or commodity in commerce.

  
DAVID NICREN  
SPECIAL AGENT ATF

Sworn to and subscribed  
before me this 29th day  
of December, 2010

  
JANIE S. MAYERON  
UNITED STATES MAGISTRATE